

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

COMMODORE INVESTMENTS, LLC,

Plaintiff,

v.

BARRY LEHMAN and ROBIN SCHWARTZ,

Defendants.

Case No. 3:10-cv-00825

Judge Nixon

Magistrate Judge Bryant

ORDER

Pending before the Court is Plaintiff Commodore Investments, LLC's Motion for Attorney's Fees and Costs, requesting an award of \$7,902.84 in attorney fees and costs ("Motion") (Doc. No. 20), filed with a supporting Memorandum (Doc. No. 21) and additional supporting documentation (Doc. No. 23). Defendants Barry Lehman and Robin Schwartz have not responded to Plaintiff's Motion, which indicates that they do not oppose the Motion under Local Rule 7.01(b).

Plaintiff initiated this action to enforce payment of a Demand Note executed by the parties. (Doc. No. 18-2.) The Clerk of Court entered Default Judgment against Defendants on January 27, 2011, for payment of the amount due under the Demand Note. (Doc. No. 19.) The Demand Note, signed by both Defendants, states that "if it necessary to enforce payment of this note through an attorney or by suit . . . the undersigned shall pay any and all reasonable attorney's fees and all costs of collection." (Doc. No. 18-2.)

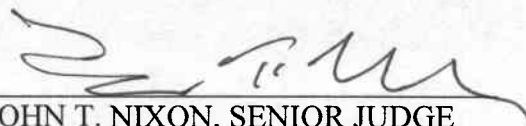
A prevailing party may recover attorney fees when an enforceable contract provides for them. *Travelers Cas. & Sur. Co. of Am. v. Pacific Gas & Elec. Co.*, 549 U.S. 443, 448 (2007)

(citing *Fleischmann Distilling Corp. v. Maier Brewing Co.*, 386 U.S. 714, 717 (1967)). Pursuant to the express terms of the Demand Note, Plaintiff is therefore entitled to an award of its reasonable attorney fees and costs.

Plaintiff's counsel avers that in the course of obtaining judgment, Plaintiff incurred \$7,714.00 of attorney fees and \$188.84 in costs. (Doc. No. 23-1 at 1-2.) Upon review of the documented fees and costs, the Court finds Plaintiff's request to be reasonable. Accordingly, the Court **GRANTS** Plaintiff's Motion and awards Plaintiff fees and costs in the amount of \$7,902.84.

It is so ORDERED.

Entered this 26th day of July, 2011.


JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT